

MEMORANDUM

DATE: January 11, 2002

TO: Department of Health, Division of Drinking Water Program Staff
Department of Ecology, Water Resources Program Staff

FROM: Gregg Grunenfelder, Director of the Division of Drinking Water
Joe Stohr, Department of Ecology, Water Resources Program Manager

RE: **Ecology / Health Memorandum of Understanding for Coordination of
Water System Plan and Water Right Application Review**

The purpose of this memorandum is to provide direction to agency staff about use of the attached updated Memorandum of Understanding between the Washington State Department of Ecology (Ecology) and the Washington State Department of Health (DOH) related to the Coordination of Water System Plan Review and Public Water Systems Water Right Application Review (MOU). The MOU has been updated to implement the directive from Governor's Office to develop an approach allowing approval and implementation of water system plans while any water right issues are resolved separately.

The revisions made to the document were limited to only those changes determined to be necessary to implement that directive. Significant changes included the following:

1. Clarified that Ecology may request that DOH conditionally approve a water system plan in cases where Ecology has taken a regulatory action against the utility that can be appealed to the Pollution Control Hearings Board
2. Amended procedures and standard language for correspondence as necessary to implement item number one above.
3. Changed water system plan routing procedures to require that all water systems plans be routed to Ecology for review.
4. Requires that DOH include a disclaimer in water system plan approval letters explaining the limits of the approval in regard to water rights to the utility.
5. Requires Ecology to route comments on water system plans directly to utility

In addition to the changes contained in this update, we acknowledge that additional issues may require our attention, resolution and incorporation into the MOU. Until a more comprehensive review is completed, this document is to be used. Our intention is to have both agencies complete a thorough review and update of the MOU later this year.

In the interim, Ecology will develop water right permit and certificate provisions that meet the intent of the MOU and are enforceable under current law. Each Ecology region will use the same provisos on water right permit actions consistent with the size of the public water supply and whether there is a current water system plan. With this in mind, would you please note any areas that you feel need revision or clarification as you make practical use of this document? Please bring any ideas for improvements or suggestions for revisions to the attention of your supervisors.

Again we would like to reiterate that the purpose of the MOU is to clarify the roles the two agencies have in permitting and approval of public water systems and to delineate how those roles can be performed in the most complimentary fashion. We all need to recognize and support the efforts of the public water systems to provide safe and reliable drinking water while, at the same time, doing so in a manner that protects the natural resources of the state. It is a complex and complicated task that requires dedication and commitment from each of us.

Thank you for your work in meeting this challenge and your willingness to improve our internal and interagency relationships. Your time and effort is greatly appreciated. If you have any questions or desire further information, please contact Steve Hirshey at (425) 649-7066 or Jim Rioux at (360) 236-3154.